

ATTACHMENT "A" SWIMMING POOL BUILDER revision of: 01.14.2013

Any person offering the "NEW" installation, of in ground swimming pools. Connecticut General Statutes, Chapter 393

"swimming pool" means a permanent spa or any in-ground or partially above-ground structure intended for swimming that is greater than twenty-four inches in depth, and (2) "swimming pool builder" means a person who, for financial compensation, excavates and grades for and constructs and installs a swimming pool, including, but not limited to, tiling, coping, decking and installation of associated circulation equipment such as pumps, filters and chemical feeders.

The holder of a swimming pool builder's license issued pursuant to this section shall comply with the provisions of chapter 400 of the general statutes regarding registration as a home improvement contractor.

A person licensed as a swimming pool builder pursuant to this section shall not perform electrical work, plumbing and piping work or heating, piping and cooling work, as defined in section 20-330 of the general statutes, unless such person is licensed to perform such work pursuant to chapter 393 of the general statutes.

Section 1. The Regulations of Connecticut State Agencies are amended by adding Sections 20-341d-1 through 20-341d-2, inclusive, as follows:

(NEW) Sec. 20-340d-1. Application; documentation.

(a) Any person seeking a license as a Swimming Pool Builder shall apply to the commissioner on an application form provided by the commissioner. Such application form shall be verified under oath and shall include the applicant's:

- (1) Name;
- (2) Trade Name;
- (3) Business Address;
- (4) Such other information as the commissioner may require in determining the qualifications of an applicant.

(b) **Prior to January 1, 2014**, each application for licensure shall be accompanied by:

(1) References from at least one trade-related business and at least one financial institution sufficient to verify the existence of an established business;

(2) Satisfactory evidence that the applicant has obtained, or works for an employer who has obtained, a home improvement contractor registration, together with a statement that the applicant shall at all times maintain or work for an employer who has maintained, during the Swimming Pool Builder license renewal period, a home improvement contractor registration;

(3) A certificate of good standing less than thirty (30) days old from the Secretary of the State, if the applicant is a corporation, limited liability company or limited liability partnership;

(4) A certificate of good standing from the state in which it is incorporated or organized, as well as a certificate of good standing less than thirty (30) days old from the Secretary of the State, if the applicant is a foreign corporation, limited liability company or limited liability partnership;

(5) A certified copy of a trade name certificate from the town in which the business is primarily conducted, in accordance with Section 35-1 of the general statutes;

(6) Three current references from qualified persons attesting to the applicant's familiarity with the knowledge, skills and abilities relating to the performance of the Swimming Pool Builder services; and

(7) A list of at least seven (7) swimming pool installations completed by the applicant in the past seven (7) years; except that if the applicant has obtained the designation entitled "Certified Building Professional" from the trade association "Association of Pool & Spa Professionals" ("APSP"), or equivalent education and experience to be determined by the Commissioner, then a list of five (5) installations completed by the applicant in the past five (5) years. Each swimming pool installation listed shall contain the address of the installation, a brief description of the work performed by the applicant, and the date of completion.

For the new installation of above ground swimming pool, hot tub, spa or similar recreational or therapeutic equipment on residential property, the contractor shall be registered under Connecticut General Statutes Chapter 400, as a Home Improvement Contractor for such work and / or registered under Chapter 399a* New Home Construction Contractor if such installation is during new construction of a home.

Licensed Swimming Pool Builder Examination required on or after January 1, 2014 and each application for licensure shall be accompanied by:

- (1) Proof of five (5) years experience under the supervision of a Licensed Swimming Pool Builder under this chapter, or equivalent experience as determined by the commissioner;
- (2) Satisfactory evidence that the applicant has obtained or works for an employer that has obtained a home improvement contractor registration, and a written statement that the applicant shall at all times maintain or work for an employer that has maintained, during license period and renewal of the Swimming Pool Builder license, a home improvement contractor registration;
- (3) Proof that the applicant has obtained the designation entitled "Certified Building Professional" from the trade association "Association of Pool & Spa Professionals" ("APSP"), or equivalent education and experience to be determined by the Commissioner; and
- (4) Proof that the applicant has passed an examination conducted by the Department.

On or after January 1, 2014, upon application review and approval the applicant will be allowed to take an examination conducted by the Department. *The initial Application fee for a swimming pool builder's license shall be one hundred and fifty dollars. \$150 Payable to: Treasurer State of Connecticut.*

Application can be obtained from: www.ct.gov/dcp **Examination:** www.psiexams.com

(NEW) Sec. 20-340d-2. Continuing education. Swimming Pool Builder License type

(a) Continuing education for the Swimming Pool Builder license pursuant to chapter 393 of the general statutes shall consist of not less than three (3) hours of technical instruction and one (1) hour of business and law instruction, to be completed every year, or as determined by the Commissioner, as a requirement of license renewal.

(b) Providers of continuing education instruction shall obtain curriculum approval from the Department prior to offering each continuing education course for credit pursuant to chapter 393 of the Connecticut General Statutes.

Swimming Pool Builder application and examination information:

Connecticut Department of Consumer Protection
Occupational and Professional Licensing Division
165 Capitol Ave., Hartford, CT. 06106
Division Phone: 860-713-6135
Division FAX#: 860-713-7230

Division E-Mail: DGP.OccupationalProfessional@ct.gov

PSI Examination Services: www.psiexams.com 800-367-1565

Pre-licensure courses / certifications and continuing education Information:

For continuing education and pre-licensure courses / certifications for the Swimming Pool Builder (SPB) and the Spa and Pool maintenance and repair license types SP-1, SP-2 types:

Swimming Pool Builder certification

The Association of Pool & Spa Professionals (APSP)
2111 Eisenhower Avenue, Suite 500
Alexandria, VA 22314-4695 www.apsp.org
Tel. 703.838.0083 Fax 703.549.0493

Continuing Education

Northeast Spa & Pool Association
6B South Gold Drive
Hamilton, NJ 08691
609.689.9111 (p)
609.689.9110 (f)
ppitrak@nespapool.org
www.nespapool.org

Section 20-341 of the Connecticut General Statutes. Chapter 393 and Chapter 399b

Any person who wilfully engages in or practices the work or occupation for which a license is required by chapter 393 or chapter 399b without having first obtained an apprentice permit or a certificate and license for such work, as applicable, or who wilfully employs or supplies for employment a person who does not have a certificate and license for such work, or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, or who wilfully engages in or practices any of the work or occupations for which a license is required by this chapter after the expiration of such person's license, shall be guilty of a class B misdemeanor, provided no criminal charges shall be instituted against such person pursuant to this subsection unless the work activity in question is reviewed by the Commissioner of Consumer Protection, or the commissioner's authorized agent, and the commissioner or such agent specifically determines, in writing, that such work activity requires a license and is not the subject of a bona fide dispute between persons engaged in any trade or craft, whether licensed or unlicensed. Notwithstanding the provisions of subsection (d) or (e) of section 53a-29 and subsection (d) of section 54-56e, if the court determines that such person cannot fully repay any victims of such person within the period of probation established in subsection (d) or (e) of section 53a-29 or subsection (d) of section 54-56e, the court may impose probation for a period of not more than five years. The penalty provided in this subsection shall be in addition to any other penalties and remedies available under this chapter or chapter 416.